

REMARKS

Claims 1-10 are now pending, with Claim 1 being the sole independent claim.

Claim 11 has been withdrawn without prejudice to or disclaimer of the subject matter recited therein.

The priority section of the specification has been amended to clarify the instant application's benefit of priority.

The specification has been amended at four locations to more accurately describe the figure numbering in the Drawings that were originally submitted. Thus, no new matter has been added.

In addition, please change the attorney docket number to 2119-4263(BB1163US CIP) on all further correspondence.

RESPONSE

Regarding the Information Disclosure Statement, Applicant respectfully traverses. Applicant notes that his records indicate that the references were sent to the PTO together with the IDS with PTO/SB/08B Form on April 24, 2002. Please see the enclosed copies of the Certificate of Mailing under 37 CFR 1.8 and IDS with PTO/SB/08B Form dated April 24, 2002. Nevertheless, in the interest of advancing prosecution, copies of the references as well as a second IDS with Form PTO-1499 and fee have been submitted herewith. Applicant respectfully requests that the information listed be considered.

Regarding the "provisional" nonstatutory double patenting rejection, Applicant traverses. Since this "provisional" rejection is the only rejection pending in the

instant application, Applicant respectfully requests that the Examiner remove the rejection. According to the Manual of Patent Examining Procedures, for instances where double patenting is raised between copending applications, the Examiner must withdraw that rejection and permit the application to issue as a patent when a “provisional” double patenting rejection is the only rejection remaining one application. See MPEP 8th Ed., Rev. 1 § 804 I.B. Therefore, since there are no other rejections in the instant application, Applicant respectfully requests that the Examiner remove the “provisional” obviousness-type double patenting rejection.

AUTHORIZATION

The applicant has enclosed herewith all fees believed to be properly assessable in this application. However, should additional fees be required by the filing of these papers, the Commissioner is hereby authorized to charge any additional fees, or to credit any overpayment, to Deposit Account No. 13-4500, Order No. 2119-4263. A duplicate copy of this sheet is attached.

CONCLUSION

In view of the foregoing, allowance of the above-referenced application is respectfully requested.

In the event that the Examiner is of the opinion that further discussion of the application would be helpful, the Examiner is hereby respectfully requested to telephone the applicant's undersigned representative at (212) 415-8787 and is assured

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CONCLUSION


In view of the foregoing, allowance of the above-referenced application is respectfully requested.

In the event that the Examiner is of the opinion that further discussion of the application would be helpful, the Examiner is hereby respectfully requested to telephone the applicant's undersigned representative at (212) 415-8787 and is assured

of full cooperation in an effort to advance the prosecution of the instant application and claims to allowance.

Respectfully submitted,
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Dated: July 23, 2004

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